

JOHN R. NOURSE AND OTHERS.

[To accompany Bill S. No. 177.]

MAY 4, 1860.

Mr. TAPPAN, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred Senate bill No. 177, for the relief of John R. Nourse and others, beg leave to report :

In 1832 Mr. Nourse become one of the sureties upon the official bond of William P. Zantzinger, a purser in the United States navy. Zantzinger was not ordered to sea until 1837 ; that, previous to his leaving the United States, a rumor got into circulation that he was in arrears to the government, and the sureties becoming alarmed protested to the department against his being intrusted with more money at his risk, and asked that Zantzinger be required to give new bonds. He was, however, sent to sea without his bond having been renewed.

In 1843 Mr. Zantzinger renewed his bond, of which fact Mr. Nourse was duly informed. Soon after this, suit was brought upon the old bond and judgment rendered against the principal and sureties for \$8,000. Of this amount Zantzinger paid \$5,724, still leaving a balance against him on the judgment of \$2,276. Prior to his death, Mr. Zantzinger appealed to Congress for relief, upon the grounds that the government was largely in his debt for purser's stores he was forced to throw overboard while purser of the United States ship *Hornet* on a cruise in the Indian ocean during the war of 1812. The *Hornet* was chased by an enemy's ship of greatly superior force ; and as one of the expedients to save the ship, the commander caused not only all her armament but all the purser's stores to be thrown overboard. Captain Newton testifies that Zantzinger's loss could not have been less than \$8,000, which would balance the entire judgment rendered against him afterwards on his official bond.

In view of all these facts, your committee have no hesitation in saying that the sureties on Zantzinger's bond should be relieved against the balance due on the judgment. 1st. Because they were not legally liable for any default after the notice given the government ; and

secondly, because the facts show that Zantzinger was not a defaulter to the government had his losses on the Hornet been allowed him. Your committee therefore report the Senate bill back without amendment and recommend its passage.